

AUG 08 2007

REMARKS/ ARGUMENTS

Rejection under 35 U.S.C. 112, first paragraph

The Examiner has rejected the claims stating that they "contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors at the time the application was filed had possession of the claimed invention." Specifically the Examiner states that the use of the term resinate "is never defined in the specification," and that "no salts of resin acids are defined." *Office Action mailed 2/8/07, page 2, paragraph 4.*

Applicant asserts that the term resinate is a commonly used term known to those of ordinary skill in the art. US 7,153,497, lines 61-65 filed on 3/26/02, claiming priority to US Application Number 60/282,443, filed on 4/9/01 provides a clear definition of the term resinate. This definition of resinate in this published patent predates the present application. Furthermore, the inventor of the cited patent is the same as the present application. Therefore it can not be said that the definition of resinate was not a term known by the inventor at the time the present application was filed.

Secondly, the Examiner says that the claimed list of aversive agents is unclear. *Office Action mailed 2/8/07, page 2, paragraph 5.* Applicants have currently amended the present claim to obviate any redundancy. The claim should now be allowable.

Lastly, the Examiner asserts that claims 1, 9, and 10 only ion exchange resins are enabled and not all all classes of resins. *Office Action mailed 2/8/07, page 3, paragraph 1.*

Applicants have currently amended the present claims to obviate any redundancy. The claims should now be allowable.

Provisional Double Patenting Rejection

Applicants traverse this rejection. The Examiner can issue a double patenting rejection only upon granted claims in a patent. Neither US '926 nor the

present application have granted as a patent; therefore the Examiner should grant the present application.


Rejection under 35 U.S.C. 102

The Examiner rejected instant claims 1, 9, and 10 as being anticipated by LaHann (US 4,599,342) stating that "LaHann et al disclose an analgesic composition which includes capsaicin... The dosage forms include a resinate of the drug see examples I-II, column 8)." *Office Action mailed 2/8/07, page 5, paragraph 2.*

Applicant's have amended claim 1 to included the elemnets of non-rejected claim 2. Independent claim 1 and dependent claims 9, and 10 are in condition for allowance. Applicant respectfully requests that the Examiner withdraw the Rejection and allow the claims.

If the Examiner has any concerns regarding the application, Applicants respectfully request that the Examiner contact Applicants' undersigned attorney.

Respectfully submitted,


James G. Vouros
Attorney for Applicant
Registration No. 34,453
Telephone No.: (215) 592-3410

Rohm and Haas Company
100 Independence Mall West
Philadelphia, PA 19106-2399
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